Executive Summary
Direct Investigation Report

Government's Arrangements for Engaging Outside Interpretation Services

Introduction

The Administrative Guidelines on Promotion of Racial Equality ("the Guidelines") promulgated by the Constitutional and Mainland Affairs Bureau ("CMAB") require that all Government bureaux and departments ("B/Ds") as well as related organisations under their purview have a responsibility to provide appropriate interpretation services to public service users where necessary. This will ensure that people who cannot communicate effectively in Chinese or English (i.e. Cantonese, Putonghua, spoken English and written Chinese and English) can enjoy equal access to public services.

2. At present, a support service centre for ethnic minorities, which is operated by a non-governmental organisation commissioned by the Home Affairs Department, provides general interpretation services. Apart from using the services offered by this centre, B/Ds and related organisations will by themselves acquire suitable foreign-language interpretation services in the market depending on their operational needs and circumstances.

3. In the past, some law enforcement departments would refer to the registered list of non-Government freelance interpreters maintained by the Judiciary Administration ("JA") for judicial purpose ("the List") when looking for outside interpreters who provide legal interpretation services in foreign languages and other Chinese dialects (those other than Putonghua and Cantonese). JA, however, has since August 2018, ceased making the List available to other parties and providing updates. On the other hand, the Government has not compiled information about outside interpreters who provide interpretation services in foreign languages and other Chinese dialects for B/Ds and related organisations' reference. Nor has it set any uniform requirements for qualification of such interpreters. After JA stopped providing the List and its updates to other parties, the law enforcement departments' arrangements for interpretation services would inevitably become less efficient.

4. The Government has continued to refine the Guidelines since their promulgation in 2010. We consider the Government has been proactive and positive in this regard. This direct investigation aims to examine how CMAB can improve the overall efficiency for engaging outside interpretation services while implementing the Guidelines.

Our Findings

5. On the Government's arrangements for engaging outside interpretation services, we have the following observations and comments.

(I) To Coordinate the Establishment of a Central Database of Foreign-language Interpreters

6. We are aware that since JA ceased making the List available, some departments and related organisations still take the old list as reference when acquiring outside interpretation services (especially for carrying out law enforcement duties). As B/Ds and related organisations are no longer offered updates on the Judiciary's list of freelance interpreters, it has become more difficult for them to look for experienced foreign-language interpreters who are familiar with court proceedings. This will certainly compromise the efficiency of relevant departments in performing duties (in particular law-enforcement-related) and providing public services.

7. In our opinion, CMAB can facilitate the compliance with the Guidelines by acting as the coordinator and liaise with B/Ds and related organisations on the establishment of a central database of foreign-language interpreters. With such a database, B/Ds and related organisations can select and acquire appropriate outside interpretation services in a more convenient way. We understand that the guidance on "Language Services" in the revised Guidelines primarily deals with foreign languages while other Chinese dialects are not covered. Therefore, CMAB could start with foreign-language interpreters when coordinating the establishment of the database.

8. Although JA no longer makes the List available to other parties, it will issue a Service Engagement Letter to its authorised freelance interpreters. We recommend that while coordinating the establishment of a central database, CMAB consider inviting the Judiciary's freelance interpreters to apply for the Government's central registration of outside interpreters and updating the relevant information in a timely manner.

Subject to the implementation progress, in the long run the Government can explore the possibility of expanding the central database to cater for various needs of B/Ds and related organisations by including also interpreters who are not the Judiciary's freelance interpreters but have the right credentials. The central database will provide very useful information for B/Ds and related organisations in acquiring outside interpretation services and are complementary with the Guidelines. It can also help B/Ds and related organisations to avoid duplication of resources used in keeping their own lists of outside interpreters, thereby enhancing the Government's overall administrative efficiency.

(II) To Explore Measures for Efficient Selection of Outside Interpreters and Service Procurement

(1) Providing Details of Outside Interpreters and Their Areas of Specialisation and Service Hours

9. The central database of outside foreign-language interpreters, of which establishment will be coordinated by CMAB, could contain details of the interpreters' services (including the languages they can interpret, their academic qualification and whether they are the Judiciary's freelance interpreters), experience, areas of specialisation (such as legal, medical, general interpretation, etc.) and their schedule of availability. Providing these details would enable B/Ds and related organisations to select quickly suitable interpreters who can provide services and to contact them and launch procurement procedures.

(2) Arranging Outside Interpreters to Sign Declaration of Confidentiality and Guidance on Code of Practice in Advance

10. Under the Guidelines, B/Ds and related organisations are reminded that though there may be family members, friends and acquaintance who are willing to provide interpretation for public service users, B/Ds and related organisations should consider providing professional interpretation services to the users so as to avoid potential breaches of confidentiality, possible misinterpretation or inaccuracy, conflict of interest, potential loss of objectivity, etc.

11. We consider that CMAB as the authority enforcing the Guidelines can establish uniform confidentiality requirements and guidelines on code of practice for outside interpreters engaged by B/Ds and related organisations. For people of different races who speak different languages, this will help strengthen their confidence in the

outside interpretation services acquired by the Government. The overall quality of interpretation services can be enhanced as well.

12. Moreover, it will take more time and steps to require outside interpreters to make a declaration of confidentiality and sign an agreement on code of practice each time they undertake an interpretation job. In order to save time and streamline the procedures for B/Ds and related organisations' procurement of interpretation services and assigning jobs, CMAB can explore the feasibility of having outside interpreters to sign a declaration of confidentiality and an agreement on code of practice in advance when including them in the central database.

(III) To Monitor Systematically Arrangements for Outside Interpretation Services and Document Interpreters' Performance

13. Currently, B/Ds and related organisations keep their own records of unsatisfactory performance of outside interpreters and handle these interpreters. Such practice is not only inefficient but also not helpful to the Government's overall monitoring of interpreters' performance.

14. In our opinion, upon establishment of a central database of outside interpreters, CMAB should establish channels for B/Ds and related organisations to comment on outside interpretation services to enable systematic monitoring and documenting of the performance of individual outside interpreters. We recommend that CMAB liaise with relevant B/Ds and related organisations to explore the feasibility of collecting and documenting information about their uses of services provided by the outside interpreters in the database to identify any violation of confidentiality requirement or code of practice. CMAB should also establish a mechanism for follow-up action to enhance the quality of outside interpretation services and further safeguard the interests of service users.

(IV) To Explore Feasibility of Providing Remote Interpretation Services

15. Our findings reveal that when arranging outside interpretation services, B/Ds and related organisations are more willing to use remote interpretation services than before.

16. While implementing the Guidelines, CMAB can remind B/Ds and related organisations to take the initiative to assess whether remote interpretation services can

meet the requirements for the interpretation jobs they are going to assign to outside interpreters (including the Judiciary's freelance interpreters). The use of remote interpretation services allows more flexibility, which can help enhance the administrative efficiency of B/Ds and related organisations and meet the needs of people of different races and languages more promptly.

(V) To Collate Data on Public Service Users' Needs for Interpretation Services in Other Chinese Dialects

17. The contents regarding language service in the revised Guidelines does not cover other Chinese dialects. There are no standing arrangements in government departments for the provision of interpretation support in other Chinese dialects, but departments will acquire interpretation services in other Chinese dialects by outside interpreters where necessary.

18. For long-term planning, CMAB can consider collating data on the needs of the public for interpretation services in other Chinese dialects so that the Government can devise the plan for follow-up action. Subject to the data collated and result of reviews, CMAB, in the long run, can consider whether to include in the central database the information about interpreters providing interpretation services in other Chinese dialects. Inclusion of these data can assist B/Ds and related organisations in selecting interpreters when they need to acquire interpretation services in other Chinese dialects.

Recommendations

19. In view of the above, The Ombudsman has made five recommendations to CMAB:

(1) coordinate the establishment of a central database of outside foreign-language interpreters;

(2) explore and formulate measures for efficient selection of outside interpreters and service procurement. For example, the central database could contain details of the interpreters such as the languages they can interpret, their experience, areas of specialisation and schedule of availability. CMAB should also explore the feasibility of requiring the interpreters to sign a uniform declaration of confidentiality and agreement on code of practice in advance;

(3) explore the feasibility of collecting and documenting information about any violation of confidentiality requirement or code of practice by outside interpreters in the database when being engaged by B/Ds and related organisations. CMAB should also establish a mechanism for follow-up action;

(4) remind B/Ds and related organisations to explore the feasibility of providing remote interpretation services; and

(5) collate data on the needs of public service users for interpretation services in other Chinese dialects to facilitate the Government's review and planning in this regard. In the long run, CMAB should consider including in the central database the information about interpreters providing interpretation services in other Chinese dialects to assist B/Ds and related organisations in engaging outside interpreters for such services.

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